

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

SHIRLEYANN BETHEA NIXON,

FILED

FEB 22 2012

CLERK, U.S. DISTRICT COURT
NORFOLK, VA

Plaintiff,

v.

ACTION NO. 2:11cv122

MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,

Defendant.

FINAL ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) and § 1383(c)(3) seeking judicial review of the final decision of the Commissioner of Social Security denying her claim for disability insurance benefits ("DIB") and supplemental security income ("SSI") under the Social Security Act. A United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B),¹ on May 9, 2011, to submit to the court a report and recommendation for disposition of the matter. On May 10, 2011, the plaintiff was ordered to file a motion for summary judgment with memorandum in support by June 10, 2011, the defendant was ordered to file a reply, a cross-motion for summary judgment if desired, and a statement of its position with a statement of disputed facts by July 11, 2011, and the plaintiff was to reply by July 25, 2011.

¹The designation is also pursuant to Rule 72(b) of the Federal Rules of Civil Procedure and Local Civil Rule 72.

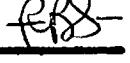
The parties each filed a motion for summary judgment and the matter was referred to the magistrate judge on July 27, 2011. The Report of the magistrate judge was filed on January 18, 2012, recommending that the decision of the Commissioner be affirmed.

By copy of the report, each party was advised of the right to file written objections to the findings and recommendations made by the magistrate judge. The court received Plaintiff's Objections to the Report and Recommendation of the Magistrate Judge on February 6, 2012, and Defendant's Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation was filed on February 16, 2012.

The court, having examined the objections to the Magistrate Judge's Report and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge filed January 18, 2012. Accordingly, the final decision of the Commissioner is **AFFIRMED**; defendant's Motion for Summary Judgment is **GRANTED**; plaintiff's Motion for Summary Judgment is **DENIED**. Accordingly, the Clerk shall enter judgment for the defendant.

The Clerk shall forward a copy of this Final Order to counsel for the parties.

Norfolk, Virginia
February 22, 2012

/s/ 
Rebecca Beach Smith
Chief
United States District Judge